

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JERRELL JERMAINE JONES,

Petitioner,

v.

Case No. 2:14-cv-35

HON. R. ALLAN EDGAR

JEFFREY WOODS,

Respondent.

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ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has before it Petitioner's Objection to Magistrate Judge Timothy P. Greeley's Report and Recommendation ("R&R") that the petition for writ of habeas corpus be dismissed because it is barred by the one-year statute of limitations. (Docket #11.) Petitioner concedes that he filed his petition seven days after the expiration of the one-year statute of limitations but argues that he is entitled to equitable tolling.

Petitioner argues that he is entitled to equitable tolling because he was unaware that he could request a stay and abeyance, how much time was left on his one-year statute of limitations and he was receiving assistance from the legal writing program at Chippewa Correctional Facility and that "the legal writers would timely prepare my Petition . . . for me." (Docket #16, Jones Aff. ¶ 8) However, Petitioner has not established that he has been pursuing his rights diligently nor has he established that an extraordinary circumstance prevented his timely filing. Petitioner's arguments are based on ignorance of the law, which does not entitle him to equitable tolling. *Allen v. Yukins*, 366 F.3d 396, 403 (6th Cir. 2004). The fact that the legal writers were providing assistance in his briefs and filings does not excuse filing deadlines.

For the reasons stated above, Magistrate Judge Greeley's R&R is **APPROVED AND ADOPTED** as the Opinion of the Court. (Docket #11) The petition is **DISMISSED** as barred by the one-year statute of limitations. (Docket #9) **IT IS ORDERED** that a certificate of appealability is denied. A judgment consistent with this Order will be entered.

SO ORDERED.

Dated: 6/16/2015

/s/ R. Allan Edgar
R. Allan Edgar
United States District Court Judge